

Office of State Appellate Public Defender

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2006 Total App	FY 2006 Actual	FY 2007 Approp	FY 2008 Request	FY 2008 Gov Rec
BY FUND CATEGORY					
General	2,271,500	1,977,000	1,996,600	2,286,300	2,065,000
Dedicated	35,400	35,400	0	0	0
Total:	2,306,900	2,012,400	1,996,600	2,286,300	2,065,000
Percent Change:		(12.8%)	(0.8%)	14.5%	3.4%
BY OBJECT OF EXPENDITURE					
Personnel Costs	1,488,800	1,484,200	1,448,300	1,692,500	1,514,500
Operating Expenditures	777,400	482,200	548,300	579,500	550,500
Capital Outlay	40,700	46,000	0	14,300	0
Total:	2,306,900	2,012,400	1,996,600	2,286,300	2,065,000
Full-Time Positions (FTP)	21.00	21.00	21.00	24.00	21.00

Division Description

The Office of the State Appellate Public Defender was created in 1998 by House Bill 840 during the Fifty-Fourth Idaho Legislature. The intent of the legislation was to create a Capital Crimes Defense Fund to help defray the cost of capital litigation at the trial level for Idaho counties. Additionally, the intent of the legislation was to create the Office of the State Appellate Public Defender to reduce the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly for first-degree murder, which had been an expensive and unpredictable burden on the counties. In addition, there had developed the perception that because of the different degree with which some counties could respond financially to this demand, it was possible that justice could be pursued unevenly throughout the state. The services of the State Appellate Public Defender are only available to those counties who participate in the Capital Crimes Defense Fund. The State Appellate Public Defender provides services in the following areas:

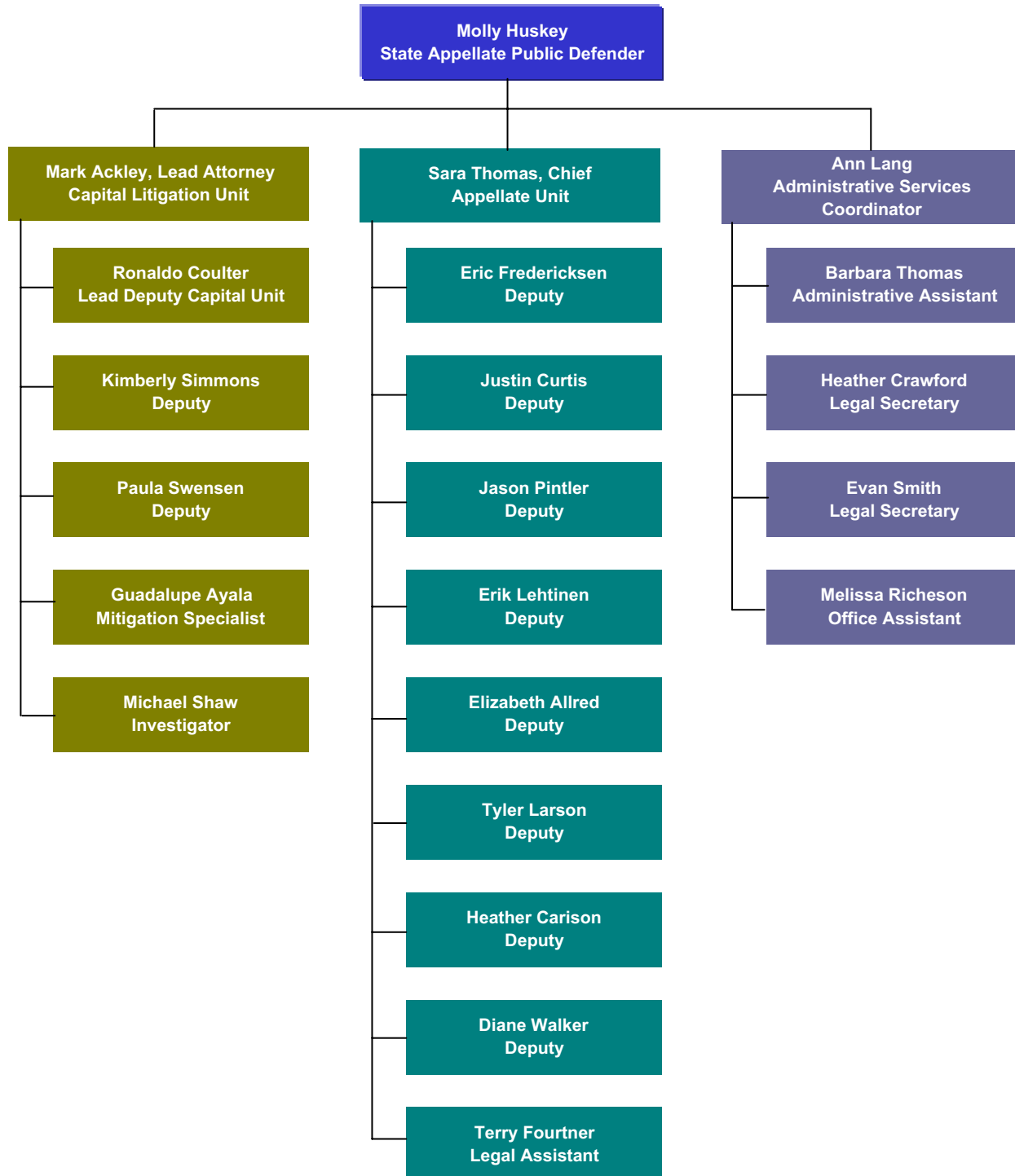
- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

State Appellate Public Defender

Agency Profile

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Organizational Chart



State Appellate Public Defender

Agency Profile

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Sources of Funds

	<u>Percent of Total</u>	<u>FY 2006 Actual</u>	<u>FY 2007 Estimate</u>	<u>FY 2008 Request</u>
1. General Fund (0001-00)	98%	1,977,000	1,996,600	2,286,300
General Fund: Derived from individual and corporate income tax, sales tax, cigarette tax, beer and wine tax, liquor surcharge, kilowatt hour tax, and other miscellaneous taxes. Used for personnel, operating and capital outlay.				
2. Economic Recovery Reserve (0150-00)	2%	35,400	0	0
Twenty-nine cents of the 57 cent per pack cigarette tax.				
Total	100%	2,012,400	1,996,600	2,286,300

Selected Measures

	<u>FY 2003 Actual</u>	<u>FY 2004 Actual</u>	<u>FY 2005 Actual</u>	<u>FY 2006 Actual</u>
1. Appellate Unit				
Total number of cases	536	632	608	591
2. Capital Litigation Unit				
Total number of cases	6	6	7	6

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2007 Original Appropriation	21.00	1,996,600	1,996,600	21.00	1,996,600	1,996,600
FY 2008 Base	21.00	1,996,600	1,996,600	21.00	1,996,600	1,996,600
Benefit Costs	0.00	33,400	33,400	0.00	0	0
Inflationary Adjustments	0.00	16,700	16,700	0.00	0	0
Statewide Cost Allocation	0.00	2,200	2,200	0.00	2,200	2,200
Change in Employee Compensation	0.00	46,400	46,400	0.00	66,200	66,200
FY 2008 Program Maintenance	21.00	2,095,300	2,095,300	21.00	2,065,000	2,065,000
1. Appellate Unit Staff	3.00	191,000	191,000	0.00	0	0
FY 2008 Total	24.00	2,286,300	2,286,300	21.00	2,065,000	2,065,000
Change from Original Appropriation	3.00	289,700	289,700	0.00	68,400	68,400
% Change from Original Appropriation		14.5%	14.5%		3.4%	3.4%

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2007 Original Appropriation	21.00	1,996,600	0	0	1,996,600
FY 2008 Base					
Agency Request	21.00	1,996,600	0	0	1,996,600
Governor's Recommendation	21.00	1,996,600	0	0	1,996,600

Benefit Costs

Restores funding for premium holidays taken in FY 2007 estimated at \$865 per employee. Also includes the employer-paid portion of estimated changes in employee benefit costs including \$350 per employee for health insurance.

Agency Request	0.00	33,400	0	0	33,400
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The Governor recommends that all health insurance related adjustments be funded by program changes or utilizing reserves available in the group insurance contract. As the PERSI Board voted to maintain the current contribution rate for the upcoming fiscal year, no adjustment to retirement rates is necessary.

Governor's Recommendation	0.00	0	0	0	0
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Inflationary Adjustments

Inflationary adjustment is a 3.1% increase over the base. This is calculated by subtracting statewide allocation plan costs and using a 1.81% increase for all remaining operating items. The one exception to that rule is in the rentals and operating lease category, where the agency is requesting an 8.5% increase in the amount of \$8,700.

Agency Request	0.00	16,700	0	0	16,700
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Inflationary increases are provided only for contractual obligations such as leased space costs. Other inflationary requests are not recommended.

Governor's Recommendation	0.00	0	0	0	0
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Statewide Cost Allocation

The Statewide Cost Allocation Plan assesses state agencies for their actual use of State Controller and State Treasurer services and includes changes in property and casualty insurance premiums.

Agency Request	0.00	2,200	0	0	2,200
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Governor's Recommendation	0.00	2,200	0	0	2,200
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Change in Employee Compensation

Calculated cost of a 3.5% salary increase for permanent and temporary positions.

Agency Request	0.00	46,400	0	0	46,400
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The Governor recommends a compensation increase of 5% to be distributed based on merit.

Governor's Recommendation	0.00	66,200	0	0	66,200
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FY 2008 Program Maintenance

Agency Request	21.00	2,095,300	0	0	2,095,300
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Governor's Recommendation	21.00	2,065,000	0	0	2,065,000
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1. Appellate Unit Staff

Funding is requested to add three new positions in order to reduce staff attorney caseloads, and to allow for the more efficient and competent representation of the indigent population the office serves. This request includes \$72,000 for one Assistant Chief of the Appellate Unit, \$56,400 for one staff attorney, \$36,000 for one support staff, \$12,300 for operating expenses, and \$14,300 for capital outlay. [\$176,400 Ongoing and \$14,300 One-time]

Agency Request	3.00	191,000	0	0	191,000
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Not recommended by the Governor.

Governor's Recommendation	0.00	0	0	0	0
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FY 2008 Total

Agency Request	24.00	2,286,300	0	0	2,286,300
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Governor's Recommendation	21.00	2,065,000	0	0	2,065,000
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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<i>Agency Request</i>					
Change from Original App	3.00	289,700	0	0	289,700
% Change from Original App	14.3%	14.5%			14.5%
<i>Governor's Recommendation</i>					
Change from Original App	0.00	68,400	0	0	68,400
% Change from Original App	0.0%	3.4%			3.4%